

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PREPARED FOOD PHOTOS, INC f/k/a
ADLIFE MARKETING &
COMMUNICATIONS CO. INC.,

Plaintiff,

-against-

THE DUGOUT N.Y. LLC,

Defendant.

23-CV-1538 (JGLC)

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

JESSICA G. L. CLARKE, United States District Judge:

This motion for default judgment was referred to Magistrate Judge Ona T. Wang for a Report and Recommendation. *See* ECF No. 21. In the Report and Recommendation filed on December 20, 2023, Magistrate Judge Wang recommended that the motion be granted. *See* ECF No. 22.

In reviewing a Report and Recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). A district court “must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3); *see also United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). To accept those portions of the report to which no timely objection has been made, however, a district court need only satisfy itself that there is no clear error on the face of the record. *See, e.g., Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003). This clearly erroneous standard also applies when a party makes only conclusory or general objections, or simply reiterates his original arguments. *See, e.g., Ortiz v. Barkley*, 558 F. Supp. 2d 444, 451 (S.D.N.Y. 2008).

In the present case, the Report and Recommendation advised the parties that they had fourteen days from service of the Report and Recommendation to file any objections, and warned that failure to timely file such objections would result in waiver of any right to object. *See* ECF No. 22. In addition, the Report and Recommendation expressly called the parties' attention to Rule 72 of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1). Nevertheless, as of the date of this Order, no objections have been filed and no request for an extension of time to object has been made. Accordingly, Defendant has waived the right to object to the Report and Recommendation or to obtain appellate review. *See Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992).


Despite the waiver, the Court has reviewed the motion and the Report and Recommendation unguided by objections and adopts it in its entirety.

This matter is referred to Magistrate Judge Ona T. Wang for an inquest on damages, attorneys fees and costs.

The Clerk of Court is directed to terminate ECF No. 17.

SO ORDERED.

Dated: January 9, 2024
New York, New York



JESSICA G. L. CLARKE
United States District Judge